

# ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



## STAFF REPORT

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**MEETING DATE:** 3/9/2022

**Staff Report No.** 22-023

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**TO:** AC Transit Board of Directors  
**FROM:** Jill A. Sprague, General Counsel  
**SUBJECT:** Board Policy 651 Records Retention Policy

### ACTION ITEM

#### **RECOMMENDED ACTION(S):**

Consider the adoption of Resolution No. 22-003, approving Board Policy 651 - Records Retention Policy.

#### **STRATEGIC IMPORTANCE:**

Goal - Financial Stability and Resiliency  
Initiative - Infrastructure Modernization

The adoption of Board Policy 651 will facilitate the orderly and efficient transfer, retention, and destruction of the records of the District.

#### **BUDGETARY/FISCAL IMPACT:**

The budgetary impact of adopting this Policy is minimal, but may result in savings to the District with respect to document storage and maintenance once the record retention schedule is implemented and documents are regularly reviewed and disposed of pursuant to that schedule.

#### **BACKGROUND/RATIONALE:**

The District has been without a written record retention policy for many years, which has created uncertainty and confusion regarding custodian responsibility and the ability to dispose of records no longer required for business or legal purposes. The General Counsel and District Secretary's offices have worked together over a number of years to craft a record retention policy that (1) complies with all legal requirements for the retention and storage of documents; (2) provides clear definitions regarding what is or is not a "Record;" and (3) provides clarity around roles and responsibilities for maintaining, reviewing and disposing of documents. Proposed Board Policy 651 represents years of curating and review of record retention policies of other transit and public agencies as well as the Local Government Records Management Guidelines issued pursuant to Government Code Section 12236, and was developed in collaboration with District stakeholders to identify and classify District Records.

In addition, the General Counsel's Office has developed and will maintain a Records Retention Schedule in accordance with all applicable laws to ensure legal compliance. This document is a living document that will be maintained and updated by the General Counsel's Office in accordance with new or changed legal

requirements and as additional categories of documents are identified.

**ADVANTAGES/DISADVANTAGES:**

The advantage to adopting a Records Retention Policy for the District is that it will create clarity and certainty with respect to the preservation and maintenance of District Records and will provide a clear and legally compliant process for reviewing and disposing of documents that are no longer required for business or legal purposes.

Staff is unable to identify any disadvantages to adopting Board Policy 651.

**ALTERNATIVES ANALYSIS:**

The alternative to adopting Board Policy 651 is to continue operations without a clear record retention policy. This is not recommended as the lack of a clear policy has resulted in inefficient and expensive retention of documents and could potentially result in legally non-compliant destruction of records.

**PRIOR RELEVANT BOARD ACTION/POLICIES:**

None.

**ATTACHMENTS:**

1. Proposed Resolution No. 22-003
2. Proposed Board Policy 651

**Prepared by:**

Jill A. Sprague, General Counsel

**In Collaboration with:**

Linda A. Nemeroff, District Secretary

**Approved/Reviewed by:**

Ahsan Baig, Chief Information Officer  
Chris Andrichak, Chief Financial Officer  
Linda A. Nemeroff, District Secretary  
Michael A. Hursh, General Manager